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09/672,935	09/28/2000	Kevin A. Retlich	00AB191	7591

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EXAMINER

STORK, KYLE R

ART UNIT PAPER NUMBER

2178

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/672,935	<b>Applicant(s)</b> RETLICH, KEVIN A.	
	<b>Examiner</b> Kyle R. Stork	<b>Art Unit</b> 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This final office action is in response to the remarks filed 17 October 2005.
2. Claims 1-28 are pending. Claims 1, 9, and 20 are independent claims.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs et al. (herein after Tkacs) U.S. Patent No. 5,526,268 filed 5/11/1994 in view of Bapat U.S. Patent No. 4,916,610 filed 10/5/1988 in further view of Swales et al. (herein after Swales) U.S. Patent No. 5,526,268 filed 5/11/1994 in view of Bapat U.S. Patent No. 4,916,610 filed 10/5/1988).

In regard to independent claim 1, Tkacs discloses a database including component data descriptive of the components and a plurality of language fields including textual labels for component data presentations translated into a plurality of languages (Tkacs Col 6 Lines 60-63 Col 4 Lines 10-67 and Col 5 Lines 1-19) (Tkacs Col 6 Lines 34-39) (Tkacs Col 11 Lines 47-49) (Tkacs Col 1 Lines 12-17); and a plurality of monitoring screens viewable on the monitoring station and including representations of component designations and component status parameters based upon monitored data collected via the data network from the components in which identifying component

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data is stored by the monitoring station (Tkacs Col 7 Lines 17-23 Col 7 Lines 28-38)(Tkacs Col 11 Lines 45-49) (Tkacs Col 12 Lines 56-60) (Tkacs Col 8 Lines 14-16) (Tkacs Col 7 Lines 28-38): wherein the monitoring station is configured to access textual labels in a desired language from the database for displaying the monitoring Screens. (Tkacs Col 7 Lines 28-38) (Tkacs Col 14 Lines 25-27)(Tkacs Col 6 Lines 34-39) (Tkacs Col 11 Lines 5-7) (Tkacs Col 6 Lines 60-63) (Tkacs Col 7 Lines 28-38)

Tkacs does not specifically mention to build a view of the components in real-time based upon the identifying component data and based upon the identifying component data collected from the component. However, Swales mentions that data can be controlled on a real time basis (Swales Col 4 Lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs providing Tkacs the benefit of ensure data is processed in real time to ensure the data is accurate and current.

Tkacs does not specifically mention language fields. However, Bapat mentions fields that can contain sufficient storage that can be allocated (Bapat Col 6 Line 32) It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Bapat to Tkacs providing Tkacs the benefit of allocating fields for storage taught by Bapat Col 6 Lines 32-39.

In regard to dependent claim 2, Tkacs discloses wherein at least one monitoring (Tkacs Col 7 Lines 28) screen (Tkacs Col 7 Lines 17-23) includes a user viewable menu (Tkacs Col 10 Lines 46-48) for selecting the desired language. (Tkacs Col 11 Lines 5-9)

In regard to dependent claim 3, Tkacs discloses wherein the monitoring station (Tkacs Col 7 Lines 28-38) is configured (Tkacs Col 14 Lines 25-27) to change (Tkacs Col 10 Lines 50) textual labels (Tkacs Col 6 Lines 34-39) in respective monitoring (Tkacs Col 7 Lines 17-23) screen (Tkacs Col 17 Lines 17-23) upon a change (Tkacs Col 10 Lines 50) by a user of the desired language (Tkacs Col 11 Lines 5-9) without otherwise altering the monitoring screen. (Tkacs Col 3 Lines 36-41)

In regard to dependent claim 4, Tkacs discloses wherein the component data in the database (Tkacs Col 6 Lines 60-63) includes component parameter settings. (Tkacs Col 7 Lines 28-38)

In regard to dependent claim 5, Tkacs discloses wherein the component data in the database includes historical event data the each component. (Tkacs Col 8 Lines 44-46 i.e. accessibly stored in memory)

In regard to dependent claim 6, Tkacs discloses wherein the component data in the database (Tkacs Col 6 Lines 60-63) includes textual data descriptive (Tkacs Col 10 Lines 24 i.e. descriptions) of each component, and wherein the textual data is translated (Tkacs Col 10 Lines 64-66) into the desired language (Tkacs Col 11 Lines 5-7) for display. (Tkacs Abstract Lines 1-2 i.e. display system)

In regard to dependent claim 7, Tkacs discloses wherein the component data in the database includes data representative of an image of each component. (Tkacs Col 6 Lines 22-26 i.e. graphics)

5. Claims 8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs et al. (herein after Tkacs) in view of Bapat as applied to claim 1 and in further view of Bargh et al. (herein after Bargh, US Patent No. 6,212,491 B1 filed 11/9/1998).

In regard to dependent claim 8, Tkacs discloses wherein the monitoring station (Tkacs Col 7 Lines 28-38) is configured ... for the component status parameters (Tkacs Col 12 Lines 56-60) and to display (Tkacs Abstract Line 1 i.e. display system) the updated status parameter (Tkacs Col 12 Lines 56-60) representations with currently selected desired language (Tkacs Col 11 Lines 5-7) labels. (Tkacs Col 6 Lines 34-39)

Tkacs does not specifically mention automatically polling the components for the component status parameter. However, Bargh mentions polling a facility within a simulation model for results rather than running an actual simulation (Bargh Col 21 Lines 38-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Bargh to Tkacs and Bapat providing Tkacs the benefit of polling which would result in high performance for a simulation run on a hardware simulator as taught by Bargh Col 21 Lines 53-55.

In regard to dependent claim 21, Tkacs discloses wherein the component status data (Tkacs Col 6 Lines 60-63) is accessed by a monitoring station (Tkacs Col 7 Lines 28-38) through ... of the components by the monitoring station. (Tkacs Col 7 Lines 28-38)

Tkacs does not specifically mention polls. However, Bargh mentions polling (Bargh Col 21 Lines 38-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Bargh to Tkacs and Bapat providing Tkacs

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the benefit of polling which would result in high performance as taught by Bargh Col 21 Lines 53-55.

6. Claims 9-12, 16-20, 22-24, 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs et al. (herein after Tkacs) U.S. Patent No. 5,526,268 filed 5/11/1994 in view of Bapat U.S. Patent No. 4,916,610 filed 10/5/1988 in view Swales et al. (herein after Swales) U.S. Patent No. 5,526,268 filed 5/11/1994 in view of Bapat U.S. Patent No. 4,916,610 filed 10/5/1988.

In regard to independent claim 9, Tkacs discloses a database including component data descriptive of the components and a plurality of language fields including textual labels for component data presentations translated into a plurality of languages (Tkacs Col 6 Lines 34-39 and 60-63) (Tkacs Col 1 Lines 12-17 Col 4 Lines 29-40) (Tkacs Col 11 Lines 47-49); and a plurality of monitoring screens viewable on the monitoring station and including representations of component destinations and component status parameters based upon monitored data collected by the monitoring station via the data network, the screens including textual labels for the representations (Tkacs Col 7 Lines 28-38) (Tkacs Col 11 Lines 45-49) (Tkacs Col 12 Lines 56-60); wherein the monitoring station is configured to access textual labels in a desired language from the database for display in the monitoring Screens. (Tkacs Col 6 Lines 34-39) (Tkacs Col 11 Lines 5-7) (Tkacs Col 1 Lines 12-17) (Tkacs Col 7 Lines 28-38)

Tkacs does not specifically mention including at least data identifying the components stored in the respective components to build a view of the components in real-time based upon the identifying component data and based upon the identifying component data collected from the component. However, Swales mentions that data can be controlled on a real time basis (Swales Col 4 Lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs providing Tkacs the benefit of ensure data is processed in real time to ensure the data is accurate and current.

In regard to dependent claim 10, Tkacs discloses wherein the database stored at the monitoring station. (Tkacs Col 7 Lines 28-38) (Tkacs Col 6 lines 60-63)

In regard to dependent claim 11, Tkacs discloses wherein the monitoring representations include a user viewable menu of selectable languages. (Tkacs Col 11 Lines 12-17) (Tkacs Col 7 Lines 28-38)

In regard to dependent claim 12, Tkacs discloses wherein the monitoring station (Tkacs Col 7 Lines 28-38) is configured (Tkacs Col 14 Lines 25-27) to access the desired language (Tkacs Col 11 Lines 5-9) for the textual labels (Tkacs Col 6 Lines 34-39) from the database (Tkacs Col 6 Lines 60-63) based upon a user selection made via the menu. (Tkacs Col 10 Lines 46-48)

In regard to dependent claim 16, claim 16 reflects the database as claimed in claim 4 and is rejected along the same rationale.

In regard to dependent claim 17, claim 17 reflects historical event data as claimed in claim 5 and is rejected along the same rationale.



In regard to dependent claim 18, claim 12 reflects the data in the database as claimed in claim 6 and is rejected along the same rationale.

In regard to dependent claim 19, claim 19 reflects the image as claimed in claim 7 and is rejected along the same rationale.

In regard to independent claim 20, Tkacs discloses accessing component status data (Tkacs Col 6 Lines 60-63) from a plurality of electrical components (Tkacs Col 6 Lines 14-19) of a control and monitoring system (Tkacs Col 7 Lines 28-38) via a data network each component storing its respective identify data (Tkacs Col 1 Lines 29-34); accessing textual labels (Tkacs Col 6 Lines 34-39) corresponding (Tkacs Col 4 Lines 1-5) to the component status data (Tkacs Col 4 Lines 35-39) from a system database (Tkacs Col 6 Lines 60-63), the database including translations (Tkacs Col 11 Lines 47-49) of the textual labels (Tkacs Col 6 Lines 34-39) in a plurality of languages and component descriptions for the components (Tkacs Col 6 Lines 60-63 Col 4 Lines 10-67 and Col 5 Lines 1-19) (Tkacs Col 1 Lines 12-17); and displaying a plurality of monitoring representations (Tkacs Col 7 Lines 28-38) for the components including presentations (Tkacs Col 4 Lines 41-43) of component status data (Tkacs Col 4 Lines 35-39) and textual labels (Tkacs Col 6 Lines 34-39) in a desired language (Tkacs Col 11 Lines 5-7) of the plurality of languages (Tkacs Col 1 Lines 12-17) accessed from the database. (Tkacs Col 6 Lines 60-63)

Tkacs does not specifically mention including at least data identifying the components stored in the respective components to build a view of the components in real-time based upon the identifying component data and based upon the identifying

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component data collected from the component. However, Swales mentions that data can be controlled on a real time basis (Swales Col 4 Lines 45-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs providing Tkacs the benefit of ensure data is processed in real time to ensure the data is accurate and current.

In regard to dependent claim 22, Tkacs discloses wherein the textual labels (Tkacs Col 6 Lines 34-39) are accessed from the database (Tkacs Col 6 Lines 60-63) in accordance with predetermined fields (Tkacs Col 5 Lines 3-6) of the representations. (Tkacs Col 10 Lines 46-48)

In regard to dependent claim 23, Tkacs discloses wherein the textual labels (Tkacs Col 6 Lines 34-39) are accessed from the database (Tkacs Col 6 Lines 60-63) in accordance with a user selection of the desired language. (Tkacs Col 11 Lines 5-9)

In regard to dependent claim 24, Tkacs discloses wherein the representations include a user viewable menu (Tkacs Col 10 Lines 46-48) for selecting the desired language. (Tkacs Col 11 Lines 5-9)

In regard to dependent claim 26, Tkacs discloses wherein the component descriptions (Tkacs Col 10 Lines 24 i.e. descriptions) are displayed (Tkacs Abstract Line 1 i.e. display system) in the monitoring representations (Tkacs Col 7 Lines 28-38) for the respective components (Tkacs Col 8 Lines 44-46)

In regard to dependent claim 27, Tkacs discloses wherein the component descriptions (Tkacs Col 10 Lines 24 i.e. descriptions) are stored in the database (Tkacs Col 6 Lines 60-63) in the plurality of languages. (Tkacs Col 1 Lines 12-17)

In regard to dependent claim 28, Tkacs discloses wherein the component descriptions (Tkacs Col 10 Lines 24 i.e. descriptions) are displayed (Tkacs Abstract Line 1 i.e. display system) in the monitoring representations (Tkacs Col 7 Lines 28-38) in the desired language. (Tkacs Col 11 Lines 5-7)

7. Claim 13-15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tkacs et al. (herein after Tkacs) in view of Bapat as applied to claim 9 and in further view of Swales et al. (herein after Swales, US Patent No. 6,151,625 B1 filed 4/30/1999).

In regard to dependent claim 13, Tkacs discloses wherein the textual labels (Tkacs Col 6 Lines 34-39) are displayed (Tkacs Abstract Line 1 i.e. display system) with component status parameters (Tkacs Col 12 Lines 56-60) ...

Tkacs does not specifically mention status parameters updated in real time. However, Swales mentions a ladder diagram, which will automatically be updated as they are changes (Swales Col 10 Lines 45-48) and a real time operating system that controls the interaction between the components (Swales Col 4 Lines 61-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs and Bapat providing Tkacs the benefit of having automatic updates real time processing to provide memory management and to provide a set of message services and signal services as taught by Swales Col 10 Lines 63-67.

In regards to dependent claim 14, Tkacs discloses wherein the desired language (Tkacs Col 11 Lines 5-7) may be selectively changed by a user (Tkacs Col 10 Lines 50)

in ... without otherwise altering display (Tkacs Col 3 Lines 36-41) of ... updated component status parameters. (Tkacs Col 12 Lines 56-60)

Tkacs does not specifically mention updated in real time. However, Swales mentions updated (Swales Col 11 Lines 45-48) in real time (Swales Col 4 Lines 61). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs and Bapat providing Tkacs the benefit of having real time to process an updated request as taught by Swales Col 10 Lines 63-54.

In regard to dependent claim 15, Tkacs discloses wherein the components are configured to store component designation data (Tkacs abstract Lines 11-15) and to transmit the designation data to the monitoring system (Tkacs Col 7 Lines 28-38) upon demand by the monitoring system. (Tkacs Col 7 Lines 28-38)

Tkacs does not specifically mention transmit and demand. However, Swales mentions transmit request (Swales Col 5 Lines 39-44 i.e. transmit request) It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Swales to Tkacs and Bapat providing Tkacs the benefit of transmitting a request or demand to receive information

In regard to dependent claim 25, Tkacs discloses wherein the desired language (Tkacs Col 11 Lines 5-7) can be changed ...by user selection via the menu. (Tkacs Col 10 Lines 46-48)

Tkacs does not specifically mention updated in real time. However, Swales mentions updated (Swales Col 11 Lines 45-48) in real time (Swales Col 4 Lines 61). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to apply Swales to Tkacs and Bapat providing Tkacs the benefit of having real time to process an updated request as taught by Swales Col 10 Lines 63-54.

### ***Response to Arguments***

8. Applicant's arguments filed 17 October 2005 have been fully considered but they are not persuasive.

The applicant argues that Tkacs and Swales fail to disclose "*identifying a component is stored in the component* (page 14)." The examiner respectfully disagrees. Although the applicant believes that Tkacs teaches away from this because the process diagram is generated independently of the components of the process (page 14), the examiner does not view generating a process diagram to be the same as identifying a component. Tkacs discloses identifying a component and obtaining process parameters from a component via a network (column 1, lines 30-45; Figure 7). The examiner believes this satisfies the claimed limitation of "monitored data collected by the monitoring station via the data network from the components in which identifying component data is stored (claim 1, lines 9-10)."

Further, the applicant argues that the examiner fails to provide proper motivation to combine references (page 15). The examiner respectfully disagrees. The applicant argues that Swales fails to disclose storing data in a component, and therefore cannot provide motivation to combine with Tkacs. As disclosed above, the examiner does not rely upon Swales to disclose storing data in a component, as Tkacs discloses this feature (column 1, lines 30-45; Figure 7). Further, the motivation to combine does

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not have to be provided from one of the references, as the applicant alleges (page 15), but motivation to do so found may be found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Swales with Tkacs, since it would have provided Tkacs the benefit of real time processing, ensuring current and accurate data.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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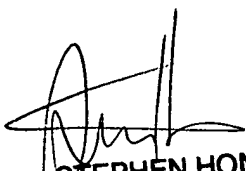
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyle R. Stork whose telephone number is (571) 272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyle Stork  
Patent Examiner  
Art Unit 2178

ksr



**STEPHEN HONG**  
**SUPERVISORY PATENT EXAMINER**